

REMARKS/ARGUMENTS

This case has been carefully reviewed and analyzed in view of the Office Action dated 23 November 2005. Responsive to that Office Action, Claims 1 and 4 are now amended, and Claims 6-7 inserted for further prosecution with the other pending Claims. It is believed that with such amendment and insertion of Claims, there is a further clarification of the claimed recitations.

In the Office Action, the Examiner rejected Claim 1 under 35 U.S.C. § 102(e) as being anticipated by the Mehmet reference. The Examiner also rejected Claim 2 as being unpatentable over Mehmet in view of the Hammelmann reference, citing Hammelmann for disclosing an arcuate pedal. The Examiner additionally rejected Claims 3 and 5 under 35 U.S.C. § 103(a) as being unpatentable over Mehmet in view of the Cevolani reference, citing Cevolani for disclosing a ratchet assembly having spring-biased blocks and a planetary gearing arrangement. The Examiner concluded in setting forth each of the latter rejections that it would have been obvious to one of ordinary skill in the art to have incorporated the disclosures of Hammelmann and Cevolani into the Mehmet apparatus.

As for Claim 4, the Examiner merely objected to the Claim for being dependent upon a rejected base claim. The Examiner indicated that this Claim would be allowable if rewritten in independent form to include all of the limitations of the base and any intervening claims. Accordingly, Claim 4 is now

amended to independent form, incorporating therein the subject matter of Claim 1 from which it had depended. It is believed, therefore, that Claim 4 is now in allowable form.

In addition, Claims 6 and 7 are newly-inserted to each depend from Claim 4. Claims 6 and 7 respectively recite the features of Claims 2 and 3, but depend from Claim 4. It is believed, therefore, that Claims 6 and 7 are in allowable form as well.

Independent Claim 1 is also now amended to more clearly recite an accelerating device for a scooter having among its combination of features an accelerating gear set which includes “a centrally disposed first gear and at least a pair of second gears radially offset from said first gear at diametrically opposed sides thereof.” As the Claim also now more clearly recites, this accelerating gear set and a one-way ratchet gear set are both “disposed in axially offset manner from said rear wheel” of the scooter.

The full combination of these and other features now more clearly recited by Applicant’s Claim 1 and its dependent Claims is nowhere disclosed by the cited references. As the Examiner readily acknowledged, the primarily-cited Mehmet reference fails to disclose features such as the accelerating gear set or the particular configuration of structural features like the pedal. The secondarily-cited Cevolani reference does disclose the use of a ratchet wheel 3 and additional gearing in the form of a toothed wheel surrounded by three satellite pinions 18¹.

Note, however, that Cevolani very specifically prescribes such gearing components to be disposed relative to the given wheel's casing 1 in such manner that the resulting "gear [is] wholly contained in the hub of the wheel," (column 1, lines 8-9). Not only does the prescribed arrangement of satellite pinions 18' and toothed wheel 20' then teach away from any "accelerating gear set including a centrally disclosed first gear and at least a pair of second gears radially offset ... [therefrom] at diametrically opposed sides thereof," as Claim 1 now more clearly recites, the reference explicitly precludes an arrangement of a "one-way ratchet gear set and said ... accelerating gear set ... [to be] disposed in axially offset manner from said rear wheel," as the Claim also now more clearly recites.

The secondarily-cited Hammelmann reference was merely relied upon for disclosing a particular pedal shape. That reference fails to disclose any accelerating gear set of the type recited now more clearly by Claim 1, let alone its disposition relative to the other features, as also now more clearly recited by that newly-amended independent Claim.

It is respectfully submitted, therefore, that the Mehmet, Cevolani, and Hammelmann references, even when considered together, fail to disclose the unique combination of elements now more clearly recited by newly-amended independent Claim 1 and those Claims depending therefrom when patentability considerations are taken properly into account.

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It is now believed that the subject Patent Application has been placed fully
in condition for allowance, and such action is respectfully requested.

Respectfully submitted,
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